



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

**REQUEST FOR SUBSTANTIATION FROM AN AFFECTED BUSINESS IN RESPONSE
TO A REQUEST UNDER THE FREEDOM OF INFORMATION ACT**

BY CERTIFIED U.S. MAIL; RETURN RECEIPT REQUESTED

Chongqing Hengsheng Xintai Trade Co., Ltd.
c/o Amanda M. Scott, Esq.
Parnell & Crum, P.A.
440 Knox Abbott Dr., Suite 401
Cayce, SC 29033

JUN 20 2013

Re: Freedom of Information Act (FOIA) Request EPA-HQ-2013-006354

To Whom It May Concern:

The U.S. Environmental Protection Agency (EPA or Agency) has received a request under the Freedom of Information Act (FOIA) for certain records that you or your affiliate submitted to the EPA, namely **the applications for Certificates of Conformity listed on the attached spreadsheet**. I'm sending this letter to your attention because your affiliate who held the certificates, Hensim USA Corp., has dissolved and has failed to respond to prior correspondence. You have not claimed any of this information as confidential business information (CBI). In accordance with applicable EPA regulations (40 C.F.R. Part 2, Subpart B), the EPA has determined that you might be expected to assert such a claim if you knew the EPA proposed to disclose the information. For this reason, the FOIA request has been initially denied to afford you an opportunity to assert a substantiated claim before a final confidentiality determination is made.

This letter is to notify you that the EPA Office of General Counsel will make a final confidentiality determination concerning this information. If you feel that some or all of the above information is entitled to confidential treatment, please specify which portions of the information you consider

confidential. Please be specific by page, paragraph, and sentence when identifying the information subject to your claim. Any information not specifically identified as subject to a confidentiality claim will be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being subject to your claim, please answer the following questions, giving as much detail as possible.

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to the EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If the business asserts that the information is voluntarily submitted information, please explain whether and why disclosure of the information would tend to lessen the availability to the EPA of similar information in the future.
8. Any other issue you deem relevant (including, if pertinent, reasons why you believe that the information you claim to be CBI is not emission data or effluent data).

Please note that you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. If you wish to claim any of the

information in your response as confidential, you must mark the response **CONFIDENTIAL** or with a similar designation, and must bracket all text so claimed. Information so designated will be disclosed by the EPA only to the extent allowed by, and by means of the procedures set forth in, 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

Your comments must be postmarked or hand delivered to this office, or e-mailed to Evan M. Belser at belser.evan@epa.gov, by the 15th working day after your receipt of this letter. You may seek an extension of time to submit your comments to this office, but the request must be made before the end of the 15-day period. Except in extraordinary circumstances, no extension will be approved. Failure to submit your comments within that time will be regarded as a waiver of your confidentiality claim or claims, and the EPA may release the information.

Should you have any questions concerning this matter, please call me at (202) 564-6850.

Sincerely,



Evan M. Belser
Attorney Advisor
Air Enforcement Division
Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Room 1142C ARS: MC-2242A
Washington, DC 20460

Alleged Engine Family	Model	Importer	Number of Vehicles Imported	Uncertified Violation		
2010 NOV						
8CGQC.250MMA	HS250CR	Hensium	288	Nonconf. catalyst, Carburetor not as described in COC application		
8CGQX.230ATV	HS250ATV	Hensium DBA Tierra Motorsports	36	Carburetor not as described in COC application		
8CGQX.110AA1	BA90	Baja/Pep Boys	3,410	Carburetor not as described in COC application		
8CGQX.100BAA	DB30	Baja/Pep Boys	6,912	Carburetor not as described in COC application		
8CGQX.100BAA	DB30Y	TSC	216	Carburetor not as described in COC application		
8CGQX.149DB1	DR150	Baja/Pep Boys	1,536	Carburetor not as described in COC application		
8CGQX.149DB1	HS150DB	Hensium	96	Carburetor not as described in COC application		
8CGQX.049DB1	DR70	TSC	86	Carburetor not as described in COC application		
8CGQX.049DB1	DR70	Baja/Pep Boys	4,428	Carburetor not as described in COC application		
8CGQX.049DB1	DR70	TSC	121	Carburetor not as described in COC application		
8CGQX.049DB1	DR49	Baja/Pep Boys	4,320	Carburetor not as described in COC application		
8CGQX.149ATV	HS150ATV	Hensium	132	Carburetor not as described in COC application		
	HS150ST-4A	Hensium	66	Carburetor not as described in COC application		
9CGQX.049DB1	DR70	Baja	972	Carburetor not as described in COC application		
9CGQX.049DB1	DR70	TSC	216	Carburetor not as described in COC application		

9CGQX.200CAA	WR65	Baja	1,995	Carburetor not as described in COC application		
9CGQX.200CAA	MB165	Baja	735	Carburetor not as described in COC application		
9CGQX.200CAA	WR65	TSC	315	Carburetor not as described in COC application		
ABJMX.098MB1	DB 30	Baja	90	Carburetor not as described in COC application		
ABJMX.196MB1	MB 196	Baja	60	Carburetor not as described in COC application		
	BAJA 2010 Settlement					
Model						
	Model	Importer/Entry Date	Number of Vehicles Imported	Uncertified Violation		
	DR70-2009	Baja 2010	972	Carburetor not as described in COC application		
	WR65-2009	Baja 2010	945	Carburetor not as described in COC application		
	MB165-2009	Baja 2010	735	Carburetor not as described in COC application		
	DB30-2009	Baja 2010	90	Carburetor not as described in COC application		
	MB196-2009	Baja 2010	165	Carburetor not as described in COC application		